

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KARLA PATRICIA IRAHETA

*

Plaintiffs,

* Civil Action No. DKC-1426

v.

*

LAM YUEN, LLC ET AL

*

Defendants,

* *

**PLAINTIFFS' MOTION TO EXTEND TIME TO
FILE MOTION TO RECONSIDER ORDER DENYING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

NOW COMES Defendants, Lam Yuen, Stan Lam, and Denis Lam, by and through their undersigned counsel, and for the reasons set forth below, moves to extend the time within which Memorandum Opinion for reason therefore states as follows:

1. On or about December 18, 2013, the United States District Court for the District of Maryland filed its Memorandum Opinion denying Defendants' Motion for Summary Judgment, or in the alternative, Motion for Partial Summary Judgment.
2. The Federal Rules provide Defendants with 14 days following the date of the Court's Order to file a Motion for Reconsideration which appears to have expired on January 2, 2014.
3. The Federal Rules also provide Defendants with additional time even if the time has expired if the party failed to act because of excusable neglect.
4. Undersigned Counsel has meritorious reasons for demanding reconsideration.
5. In support thereof, Defendants will authenticate any necessary documents and submit an amended affidavit.

6. Additionally, Plaintiffs' affidavit is clearly a sham affidavit as it contains self-serving averments presenting new facts not previously disclosed prior to the discovery deadline. As such, this honorable court respectfully has no discretion to consider said affidavit. *Jackson v. Consolidation Coal Co., McElroy Mine*, 21 F.3d 422 (1994). See also *Frostbutter v. Bob Evans Farm S. Inc.*, 2013 WL 4026985 at *3.

7. Defendants request that this Court exercise its discretion and grant this motion to extend time and for cause state as follows:

8. That undersigned counsel was out of the office on December 18 and out of the state from approximately December 20, 2013 and did not return until December 28, 2013 without access to office files or the office computer.

9. When undersigned counsel was made aware of the reasons for the denial of summary judgment and/or in the alternative partial summary judgment, he tried to contact Plaintiffs' counsel, however Plaintiffs' counsel has not answered their phone and their voicemail is full.

10. As a result, undersigned counsel could not get an Unopposed Motion to Extend Time to Respond to the Memorandum Opinion.

11. Undersigned counsel needs additional time to amend the Motion for Summary Judgment to include affidavits authenticating the business records used in the original Motion for Summary Judgment.

12. This motion for extension of time will not cause any material delay to these proceedings, and is in the best interests of justice and judicial efficiency.

WHEREFORE, Defendants respectfully prays that its Motion for an Extension of Time be granted, and for such other and further relief as justice may require.

Date: January 6, 2014

Respectfully submitted,

/s/,
Patrick S. Preller, Esq. (Bar No. 27545)
The Law Office of Patrick S. Preller
218 E. Lexington Street, Suite 700
Baltimore, Maryland 21202
Phone 410-539-0042
Fax 410-539-2955
ppreller@prellerlawfirm.com
Attorney for Defendants

Memorandum of Points and Authorities

Local Rule 105(2)
Local Rule 105.9
Fed.R.Civ.P. 6(b)(1)(B)
Fed.R.Civ.P. 15(a)

Local Rule 105.9 Affidavit

I hereby affirm under the penalties of perjury that the contents of the foregoing Defendantsø Motion to Extend Time to the United States District Court for the District of Maryland Memorandum Opinion are true to the best of my knowledge, information and belief.

/s/,
Patrick S. Preller, Esq. (Bar No. 27545)
The Law Office of Patrick S. Preller
218 E. Lexington Street, Suite 700
Baltimore, Maryland 21202

Phone 410-539-1029
Fax 410-539-2955
ppreller@prellerlawfirm.com
Attorney for Defendants

NOTICE OF SERVICE

I HEREBY CERTIFY that on this January 6, 2014, a copy of the foregoing Defendants' Motion to Extend Time to the United States District Court for the District of Maryland Memorandum Opinion was served, via first class mail, postage prepaid, and via the Court's electronic filing system on:

Jae S. Hwang, Esq.
Ki & Hwang, LLC
15800 Crabs Branch Way, Suite 310
Rockville, MD 20855
Phone: 240-477-7738
Counsel Plaintiffs

/s/,
Patrick Preller